**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.1685 OF 2006**

Bhagwan G. Dani ....Petitioner

V/s.

Anand L. Mulchandani & Anr. ...Respondents

Mr.V.V. Purwant for Petitioner.
Mr.R.M. Agarwal i/b. V.N. Tayade for Respondent No.1.
Mr.Y.S. Shinde APP for the State.

**CORAM : V.M. KANADE, J.**

**DATED : 31st AUGUST, 2007.**

**P.C:-**

1. Heard learned learned counsel for the Petitioner and learned counsel for the Respondents.

2. The Petitioner is challenging the order passed by the JMFC, Ulhasnagar who, by the said order dated 24/04/06, has not made a reference in High Court in initiating contempt proceeding against the Respondent No.1. Against the said order of rejection of referring the matter in the High Court under the provisions of Contempt of Court Act, 1971, present Writ Petition is filed.

3. It is a well settled position in law that an Appeal or a Writ Petition against order of rejection of a reference is not maintainable since the matter is essentially between the Court and the party who allegedly has committed an contempt. Since the Court has refused to made a reference, any third party has no right to prefer an Appeal or a Writ Petition challenging the said order. Apart from that, consent of the Advocate General as required U/s.15 of Contempt of Court Act, has not been obtained. In a recent judgment, the Apex Court has held that no Petition alleging contempt can be entertained unless prior sanction of the Advocate General is obtained. In view of this, Writ Petition is not maintainable. Writ Petition is accordingly dismissed and is disposed of accordingly.

**V.M. KANADE, J.**